

E-Filed: April 29, 2014

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In Re:

WILLIAM GAYLER,

Debtor.

Case No: BK-S-09-31603-MKN
Chapter: 7

Adversary Proceeding No. 11-1027-MKN

JOHN D. O'BRIEN, AS TRUSTEE OF THE
JOHN D. O'BRIEN PROFIT SHARING PLAN,
DONALD CAMPBELL, COLBY WILLIAMS,
MARIO P. BORINI, INDIVIDUALLY
AND AS CHAIRMAN OF THE BOARD OF
TRUSTEES OF THE ALEXANDER DAWSON
FOUNDATION.

Plaintiffs,

v.

WILLIAM GAYLER

Defendant.

NOTICE OF SUBPOENA PURSUANT TO RULE 9016

PLEASE TAKE NOTICE that a Subpoena in an Adversary Proceeding ("Subpoena") pursuant to Bankruptcy Local Rule 9016 was issued to Chase Bank, a copy of the Subpoena


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/ / /

with the Affidavit of Service attached hereto as Exhibit A.

Dated this 29th day of April, 2014.

MARQUIS AURBACH COFFING

By 
DALE A. HAYES, ESQ.
Nevada Bar No. 3430
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MARQUIS AURBACH COFFING

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(702) 382-0711 FAX: (702) 382-5816

CERTIFICATE OF SERVICE

1. On this 29th day of April, 2014, I served the following document(s) (specify):

Notice of Subpoena Pursuant to Rule 9016

2. I served the above-named document(s) by the following means to the persons as listed below (*check all that apply*):



a. ECF System (*You must attach the "Notice of Electronic Filing," or list*

all persons and addresses and attach additional paper if necessary.)

DAVID A. COLVIN on behalf of Plaintiff COLBY WILLIAMS
dcolvin@maclaw.com, mwalters@maclaw.com

JEFFREY R. SYLVESTER on behalf of Defendant WILLIAM GAYLER
jeff@sylvesterpolednak.com; tina@sylvesterpolednak.com; bridget@sylvesterpolednak.com

LIANE K. WAKAYAMA on behalf of Plaintiff COLBY WILLIAMS nknilians@maclaw.com,
lwakayama@maclaw.com



b. United States mail, postage fully prepaid (*List persons and addresses.*

Attach additional paper if necessary.)

DIAMANTE ROSE, LLC
2431 TECH CENTER CT.
SUITE 100
LAS VEGAS, NV 89128

FIRST AMERICAN TITLE INSURANCE
COMPANY 3960 HOWARD HUGHES PKWY
SUITE 380
LAS VEGAS, NV 89129

LEWIS CELLARS, LLC
2431 TECH CENTER CT.
SUITE 100
LAS VEGAS, NV 89128

NEVADA TITLE COMPANY
2500 NORTH BUFFALO DRIVE SUITE
150 LAS VEGAS, NV 89128

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

☐ **c. Personal Service** (*List persons and addresses. Attach additional paper if necessary.*)

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ **d. By direct email (as opposed to through the ECF System)** (*List persons and email addresses. Attach additional paper if necessary.*)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **e. By fax transmission** (*List persons and fax numbers. Attach additional paper if necessary.*)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ **f. By messenger** (*List persons and addresses. Attach additional paper if necessary.*)

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (*A declaration by the messenger must be attached to this Certificate of Service.*)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 29, 2014.

Nancy R. Knilians
Name of Declarant

Nancy R. Knilians
Signature of Declarant

Exhibit A

B255 (Form 255 - Subpoena in an Adversary Proceeding) (12/07)

UNITED STATES BANKRUPTCY COURT

District Nevada

In re William Gayler

Debtor
John D. O'Brien, as Trustee of the John D. O'Brien
Profit Sharing Plan, et. al
Plaintiff

V.

William Gayler
Defendant

SUBPOENA IN
AN ADVERSARY PROCEEDING

Case No. * BK-S-09-31603-MKN

Chapter 7

To: Custodian of Records, Chase Bank

Adv. Proc. No. * 11-01027-MKN

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above adversary proceeding.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Produce your entire file regarding Account No. 3070075832 for Sunset I, LLC.

PLACE
Marquis Aurbach Coffing, 10001 Park Run Drive, Las
Vegas, Nevada 89145

DATE AND TIME

May 13, 2014 9:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this adversary proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Federal Rules of Civil Procedure, made applicable in adversary proceedings by Rule 7030, Federal Rules of Bankruptcy Procedure.

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR
PLAINTIFF OR DEFENDANT)

Attorney for Plaintiffs

DATE

APRIL 21, 2014

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

Liane K. Wakayama, Esq. Marquis Aurbach Coffing 10001 Park Run Drive, Las Vegas Nevada 89145 702-821-2444

* If the bankruptcy case or the adversary proceeding is pending in a district other than the district in which the subpoena is issued, state the district under the case number or adversary proceeding number.

AFFIDAVIT OF SERVICE

STATE OF Nevada)
) ss.
COUNTY OF Clark)

Richard Etienne, License No. 1506, being duly sworn, says: that at all times herein
affiant was and is over 18 years of age, not a party to nor interested in the proceeding in
which this affidavit is made. That affiant received the **Subpoena in an Adversary**
Proceeding, Letter, Certificate of Custodian of Records & Witness Fee Check on the
22nd day of April, 2014, and served the same on the **22nd day of April, 2014** by delivering
a copy to **Chase Bank c/o Nicole Long at 6120 W. Tropicana Ave. Las Vegas, Nevada**
89103.

I declare under penalty of perjury under the law of the State of Nevada that the
foregoing is true and correct.

EXECUTED this 22nd day of **April, 2014.**



Richard Etienne, #1506
Report to Court
5940 S. Rainbow Blvd.
Las Vegas, Nevada 89118

No Notary Required per NRS 53.045